

**In the claims:**

- 1) (Original) A non-transgenic domesticated *L. esculentum* plant having a flavonol content in the flesh of the fruit of said plant that is greater than 0.5 µg/mgdwt.
- 2) (Original) The non-transgenic domesticated *L. esculentum* plant according to claim 1, wherein said flavonol content is greater than 1.0 µg/mgdwt.
- 3) (Original) The non-transgenic domesticated *L. esculentum* plant according to claim 1, wherein said flavonol content is greater than 1.5 µg/mgdwt.
- 4) (Original) The *L. esculentum* plant according to claim 1, wherein said flavonol content is greater than approximately 2 µg/mgdwt.
- 5) (Previously presented) The *L. esculentum* plant according to claim 1 wherein said flavonol content in said peel of said fruit is at least approximately 5 µg/mgdwt.
- 6) (Previously presented) The *L. esculentum* plant according to claim 1 wherein said flavonol content in said peel of said fruit is at least approximately 10 µg/mgdwt.
- 7) (Previously presented) The *L. esculentum* plant according to claim 1 wherein said flavonol content in said peel of said fruit is at least approximately 17 µg/mgdwt.
- 8) (Currently Amended) A seed [[Seed]] of said *L. esculentum* plant of claim 1.
- 9) (Currently Amended) A fruit [[Fruit]] of said *L. esculentum* plant of claim 1.
- 10) (Currently Amended) A *L. esculentum* plant, or a part[[s]] thereof, produced by growing the seed of claim 8.
- 11) (Withdrawn) A method of making a non-transgenic *L. esculentum* plant expressing flavonol in the peel and flesh of the fruit of said plant comprising the steps of:
  - a) crossing wild *Lycopersicon* species that express *CHI* in the peel and that express the genes of the flavonol biosynthetic pathway in the flesh with a *L. esculentum* plant to produce a hybrid plant;
  - b) harvesting fruit from said hybrid plant; and
  - c) collecting seed from said fruit harvested in step b).
- 12) (Withdrawn) The method of making a non-transgenic *L. esculentum* plant according to claim 11 further comprising the step of screening *Lycopersicon* accessions for expression of *CHI* in the peel and/or for expression of one or more of the genes of the flavonol biosynthetic pathway in the flesh.
- 13) (Withdrawn) The method of making a non-transgenic *L. esculentum* plant according to claim 12 and, wherein said *Lycopersicon* species selected for crossing with a *L. esculentum* plant are *L. chilense* or *L. pennellii*, or any other wild tomato species that express the genes of the flavonol biosynthetic pathway in the flesh and *CHI* in the peel of said fruit.

- 14) (Withdrawn) The method of making a non-transgenic *L. esculentum* plant according to claim 13, wherein the accessions selected for crossing are LA1963, LA2884, and LA1926.
- 15) (Withdrawn) A non-transgenic domesticated *L. esculentum* plant comprising a genetic factor that up-regulates the flavonol biosynthesis pathway in the fruit flesh of said plant.
- 16) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 15, wherein the flavonol content in said fruit flesh is greater than 0.5 µg/mgdwt.
- 17) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 15, wherein the flavonol content in said fruit flesh is greater than 1.0 µg/mgdwt.
- 18) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 15, wherein the flavonol content in said fruit flesh is greater than 1.5 µg/mgdwt.
- 19) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 15, wherein the flavonol content in said fruit flesh is greater than approximately 2 µg/mgdwt.
- 20) (Withdrawn) The *L. esculentum* plant according to claim 15 wherein the flavonol content in the peel of the fruit is at least approximately 5 µg/mgdwt.
- 21) (Withdrawn) The *L. esculentum* plant according to claim 15 wherein said flavonol content in the peel of the fruit is at least approximately 10 µg/mgdwt.
- 22) (Withdrawn) The *L. esculentum* plant according to claim 15 wherein said flavonol content in the peel of the fruit is at least approximately 17 µg/mgdwt.
- 23) (Withdrawn) Seed of said *L. esculentum* plant of claim 15
- 24) (Withdrawn) Fruit of said *L. esculentum* plant of claim 15.
- 25) (Withdrawn) A *L. esculentum* plant, or parts thereof, produced by growing the seed of claim 23.
- 26) (Withdrawn) A non-transgenic domesticated *L. esculentum* plant comprising a genetic factor that restores *CHI* expression in the fruit peel of said plant.
- 27) (Withdrawn) The *L. esculentum* plant according to claim 26 wherein the flavonol content in said fruit peel is at least approximately 5 µg/mgdwt.
- 28) (Withdrawn) The *L. esculentum* plant according to claim 26 wherein flavonol content in said fruit peel is at least approximately 10 µg/mgdwt.
- 29) (Withdrawn) The *L. esculentum* plant according to claim 26 wherein the flavonol content in said fruit peel is at least approximately 17 µg/mgdwt.
- 30) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 26, wherein the flavonol content in the fruit flesh of said plant is greater than 0.5 µg/mgdwt.
- 31) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 26, wherein the flavonol content in the fruit flesh of said plant is greater than 1.0 µg/mgdwt.

- 32) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 26, wherein the flavonol content in the fruit flesh of said plant is greater than 1.5 µg/mgdwt.
- 33) (Withdrawn) The non-transgenic domesticated *L. esculentum* plant according to claim 26, wherein the flavonol content in the fruit flesh of said plant is greater than approximately 2.0 µg/mgdwt.
- 34) (Withdrawn) Seed of said *L. esculentum* plant of claim 26.
- 35) (Withdrawn) Fruit of said *L. esculentum* plant of claim 26.
- 36) (Withdrawn) A *L. esculentum* plant, or parts thereof, produced by growing the seed of claim 34.